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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,573	12/28/2001	Ian Faye	10191/2172	1542

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/034,573

Applicant(s)

FAYE, IAN

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-1442)
- 6) ☐ Other: ____.

Christopher P. Schwartz
CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: in figure 2, references "12 and "14". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The Examiner urges the Applicant to label the boxes in figures 2 and 3 with descriptions of the functions in which each box performs. It is believed that is the standard format in the art when illustrating flow charts.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pickenhahn et al.

Re: claim 1, Pickenhahn et al. show a system for avoiding rollover, as in the present invention, comprising: a first arrangement to reduce braking force at at least

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one wheel wherein the first arrangement is activatable as a function of the angle of inclination, see Abstract.

Re: claim 2, Pickenhahn shows in column 6, lines 49-51, that one of the actuating factors is the mass of the motor vehicle.

Re: claim 3, column 1, lines 61-64 show that the reduction in braking force is a function of a slip (i.e. ABS).

Re: claim 4, it is inherent in any ABS system to either closing an inlet valve or opening an outlet valve to control the brake pressure.

Re: claim 5, Pickenhahn shows inclinometer S1, S2.

Re: claims 6 and 7, see column 6, lines 48-end and the figures.

Re: claim 11, see the figures.

5. Claims 12-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Pickenhahn et al.

Re: claim 12, Pickenhahn et al. show a method for avoiding rollover, as in the present invention, comprising: a first arrangement to reduce braking force at at least one wheel wherein the first arrangement is activatable as a function of the angle of inclination, see Abstract.

Re: claim 13, Pickenhahn shows in column 6, lines 49-51, that one of the actuating factors is the mass of the motor vehicle.

Re: claim 14, column 1, lines 61-64 show that the reduction in braking force is a function of a slip (i.e. ABS).

Re: claim 15, it is inherent in any ABS system to either closing an inlet valve or opening an outlet valve to control the brake pressure.

Re: claim 16, Pickenhahn shows inclinometer S1, S2.

Re: claims 17 and 18, see column 6, lines 48-end and the figures.

Re: claim 22, see the figures.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-5, 8 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Troester et al. (DE 19854463 C1).

Re: claim 1, Troester et al. show a system for avoiding a rollover, as in the present invention, comprising: a first arrangement for reducing a brake force wherein the first arrangement is activatable by the angle of inclination, see Abstract.

Re: claim 2, Troester shows in the last two lines of the Abstract, that one of the actuating factors is the center of gravity of the motor vehicle.

Re: claim 3, Troester shows that the reduction in braking force is a function of a slip (i.e. spin control).

Re: claim 4, it is inherent in any vehicle dynamic control system to either closing an inlet valve or opening an outlet valve to control the brake pressure.

Re: claim 5, Troester shows inclinometer as “detected road inclination”.

Re: claims 8 and 9, Troester shows axR, axS as the actual retardation and aRef as a brake for reference wherein the brake reduction would be activated when the reference signal is exceeded.

8. Claims 12-16, 19 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Troester et al. (DE 19854463 C1).

Re: claim 12, Troester et al. show a method for avoiding a rollover, as in the present invention, comprising: a first arrangement for reducing a brake force wherein the first arrangement is activatable by the angle of inclination, see Abstract.

Re: claim 13, Troester shows in the last two lines of the Abstract, that one of the actuating factors is the center of gravity of the motor vehicle.

Re: claim 14, Troester shows that the reduction in braking force is a function of a slip (i.e. spin control).

Re: claim 15, it is inherent in any vehicle dynamic control system to either closing an inlet valve or opening an outlet valve to control the brake pressure.

Re: claim 16, Troester shows inclinometer as "detected road inclination".

Re: claims 19 and 20, Troester shows axR, axS as the actual retardation and aRef as a brake for reference wherein the brake reduction would be activated when the reference signal is exceeded.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troester et al.

Re: claims 6 and 7, Troester's brake system, as discussed in the rejection of claim 1, lacks alternate methods of estimating the inclination angle. It is old and well known in the art to estimate the angle of inclination using either the mass or the rotation speed of the wheel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated these estimated methods as a way of saving the cost of purchasing an additional inclinometer; since the mass of the vehicle and the rotation of the wheel are readily available in any vehicle with a brake control system.

Re: claims 10 and 11, Troester's brake system, as discussed in the rejection of claim 1, lacks the location of which wheel is slipping and the reduction of the braking force at said slipping wheel. It is old and well known in the brake control art to reduce the braking force of the wheel, which is slipping in order to avoid locking up of the wheel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the condition of reducing the braking force at the slipping wheel in order to avoid locking of said wheel.

11. Claims 17, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troester et al.

Re: claims 17 and 18, Troester's method of avoiding rollover, as discussed in the rejection of claim 12, lacks alternate methods of estimating the inclination angle. It is old and well known in the art to estimate the angle of inclination using either the mass or the rotation speed of the wheel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated these estimated methods as a way of saving the cost of purchasing an additional inclinometer; since the mass of the vehicle and the rotation of the wheel are readily available in any vehicle with a brake control system.

Re: claims 21 and 22, Troester's method of avoiding rollover, as discussed in the rejection of claim 12, lacks the location of which wheel is slipping and the reduction of the braking force at said slipping wheel. It is old and well known in the brake control art to reduce the braking force of the wheel, which is slipping in order to avoid locking up of the wheel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the condition of reducing the braking force at the slipping wheel in order to avoid locking of said wheel.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sigl, Nakashima et al., Nihei et al., Claussen et al., Ota et al., Van Zanten et al., Vagstedt and Brown et al. show other brake systems.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347.

The examiner can normally be reached on M-F, 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4177.

XLN

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March 19, 2003

CHRISTOPHER P. SCHUBERTZ
PRIMARY EXAMINER